

# House File 848 - Enrolled

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HOUSE FILE 848

## AN ACT

RELATING TO THE CONDUCT OF ELECTIONS AND VOTER REGISTRATION AND  
INCLUDING EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

## DIVISION I

### GENERAL PROVISIONS RELATING TO CONDUCT OF ELECTIONS

Section 1. Section 2.27, Code 2007, is amended to read as  
follows:

#### 2.27 CANVASS OF VOTES FOR GOVERNOR.

The general assembly shall meet in joint session on the  
same day the assembly first convenes in January of 1979 and  
every four years thereafter as soon as both houses have been  
organized, and canvass the votes cast for governor and  
lieutenant governor and determine the election. ~~If an~~  
~~election is necessary under section 69.13 to fill a vacancy in~~  
~~the office of lieutenant governor, the general assembly shall~~  
~~similarly meet on the day it convenes in the January following~~  
~~that election and canvass the vote cast for the office.~~ When  
the canvass is completed, the oath of office shall be  
administered to the persons or person so declared elected.  
Upon being inaugurated the governor shall deliver to the joint  
assembly any message the governor may deem expedient.

Sec. 2. Section 43.6, subsection 2, Code 2007, is amended  
to read as follows:

2. When a vacancy occurs in the office of county  
supervisor or any of the offices listed in section 39.17 and  
more than seventy days remain in the term of office following  
the next general election, the office shall be filled for the  
balance of the unexpired term at that general election unless  
the vacancy has been filled by a special election called more  
than seventy-three days before the primary election. If the  
vacancy occurs more than seventy-three days before the primary  
election, political party candidates for that office at the  
next general election shall be nominated at the primary  
election. If an appointment to fill the vacancy in office is  
made eighty-eight or more days before the primary election and  
a petition requesting a special election has not been received  
within fourteen days after the appointment is made, candidates  
for the office shall be nominated at the primary election.

Sec. 3. Section 43.14, Code 2007, is amended to read as  
follows:

#### 43.14 FORM OF NOMINATION PAPERS.

1. Nomination papers shall include a petition and an  
affidavit of candidacy. All nomination petitions shall be  
eight and one-half by eleven inches in size and in  
substantially the form prescribed by the state commissioner of  
elections. They shall include or provide spaces for the  
following information:

a. A statement identifying the signers of the petition as  
eligible electors of the appropriate county or legislative  
district and of the state.

b. The name of the candidate nominated by the petition.

c. For nomination petitions for candidates for the general  
assembly, a statement that the residence of the candidate is  
within the appropriate legislative district, or if that is not  
true, that the candidate will reside there within sixty days  
before the election. For other offices, a statement of the  
name of the county where the candidate resides.

d. The political party with which the candidate is a  
registered voter.

e. The office sought by the candidate, including the  
district number, if any.

f. The date of the primary election for which the  
candidate is nominated.

2. Signatures on a petition page shall be counted only if  
the ~~required~~ required information required in subsection 1 is written  
or printed at the top of the page. Nomination papers on  
behalf of candidates for seats in the general assembly need

3 4 only designate the number of the senatorial or representative  
3 5 district, as appropriate, and not the county or counties, in  
3 6 which the candidate and the petitioners reside. A signature  
3 7 line shall not be counted if the line lacks the signature of  
3 8 the eligible elector and the signer's address and city. ~~The~~  
~~3 9 person examining the petition shall mark any deficiencies on~~  
~~3 10 the petition and affidavit. A signature line shall not be~~  
~~3 11 counted if the signer's address is obviously outside the~~  
~~3 12 boundaries of the district.~~

3 13 ~~2- 3. The person examining the petition shall mark any~~  
~~3 14 deficiencies on the petition and affidavit.~~ Signed nomination  
3 15 petitions and the signed and notarized affidavit of candidacy  
3 16 shall not be altered to correct deficiencies noted during  
3 17 examination. If the nomination petition lacks a sufficient  
3 18 number of acceptable signatures, the nomination petition shall  
3 19 be rejected and shall be returned to the candidate.

3 20 4. The nomination papers shall be rejected if the  
3 21 affidavit lacks any of the following:

- 3 22 a. The candidate's name.  
3 23 b. The name of the office sought, including the district,  
3 24 if any.  
3 25 c. The political party name.  
3 26 d. The signature of the candidate.  
3 27 e. The signature of a notary public or other officer  
3 28 empowered to witness oaths.

3 29 5. The candidate may replace a deficient affidavit with a  
3 30 corrected affidavit only if the replacement affidavit is filed  
3 31 before the filing deadline. The candidate may resubmit a  
3 32 nomination petition that has been rejected by adding a  
3 33 sufficient number of pages or signatures to correct the  
3 34 deficiency. A nomination petition and affidavit filed to  
3 35 replace rejected nomination papers shall be filed together  
4 1 before the deadline for filing.

4 2 Sec. 4. Section 45.5, Code 2007, is amended to read as  
4 3 follows:

4 4 45.5 FORM OF NOMINATION PAPERS.

4 5 1. Nomination papers shall include a petition and an  
4 6 affidavit of candidacy. All nomination petitions shall be  
4 7 eight and one-half by eleven inches in size and shall be in  
4 8 substantially the form prescribed by the state commissioner of  
4 9 elections. They shall provide spaces for the following  
4 10 information:

- 4 11 a. A statement identifying the signers of the petition as  
4 12 eligible electors of the appropriate ward, city, county,  
~~4 13 school district or school district director district, or~~  
4 14 legislative district and of the state of Iowa.  
4 15 b. The name of the candidate nominated by the petition.  
4 16 c. A statement that the candidate is or will be a resident  
4 17 of the appropriate ward, city, county, school district, or  
4 18 legislative or other district as required by section 39.27.  
4 19 d. The office sought by the candidate, including the  
4 20 district number, if any.  
4 21 e. The name and date of the election for which the  
4 22 candidate is nominated.

4 23 2. Signatures on a petition page shall be counted only if  
4 24 the ~~required~~ information required in subsection 1 is written  
4 25 or printed at the top of the page. Nomination papers on  
4 26 behalf of candidates for seats in the general assembly need  
4 27 only designate the number of the senatorial or representative  
4 28 district, as appropriate, and not the county or counties, in  
4 29 which the candidate and the petitioners reside. A signature  
4 30 line in a nomination petition shall not be counted if the line  
4 31 lacks the signature of the eligible elector and the signer's  
4 32 address and city. ~~The person examining the petition shall~~  
~~4 33 mark any deficiencies on the petition. A signature line shall~~  
~~4 34 not be counted if the signer's address is obviously outside~~  
~~4 35 the boundaries of the appropriate ward, city, school district~~  
~~5 1 or school district director district, legislative district, or~~  
~~5 2 other district.~~

5 3 ~~2- 3.~~ The pages of the petition shall be securely  
5 4 fastened together to form a single bundle. Nomination  
5 5 petitions that are not bound shall be returned without further  
5 6 examination. The state commissioner shall prescribe by rule  
5 7 the acceptable methods for binding nomination petitions.

5 8 ~~3- 4.~~ The person examining the petition shall mark any  
5 9 deficiencies on the petition. Signed nomination petitions and  
5 10 the signed and notarized affidavit of candidacy shall not be  
5 11 altered to correct deficiencies noted during the examination.  
5 12 If the nomination petition lacks a sufficient number of  
5 13 acceptable signatures, the nomination papers shall be rejected  
5 14 and returned to the candidate.

5 15 5. The nomination papers shall be rejected if the  
5 16 affidavit lacks any of the following:  
5 17 a. The candidate's name.  
5 18 b. The name of the office sought, including the district,  
5 19 if any.  
5 20 c. The signature of the candidate.  
5 21 d. The signature of a notary public or other officer  
5 22 empowered to witness oaths.

5 23 6. The candidate may replace a deficient affidavit with a  
5 24 corrected one only if the replacement is filed before the  
5 25 filing deadline. The candidate may resubmit a nomination  
5 26 petition that has been rejected by adding a sufficient number  
5 27 of pages or signatures to correct the deficiency. A  
5 28 nomination petition and affidavit filed to replace rejected  
5 29 nomination papers shall be filed together before the deadline  
5 30 for filing.

5 31 Sec. 5. Section 45.6, subsection 3, Code 2007, is amended  
5 32 to read as follows:  
5 33 3. All signers, for all nominations, of each separate part  
5 34 of a nomination petition, shall reside in the appropriate  
5 35 ward, city, county, school district or school district  
6 1 director district, or legislative district, or other district  
6 2 as required by section 45.1.

6 3 Sec. 6. Section 49.8, Code 2007, is amended by adding the  
6 4 following new subsection:  
6 5 NEW SUBSECTION. 6A. Precinct boundaries established by a  
6 6 city council pursuant to section 49.5 or 49.6 and not changed  
6 7 under subsections 1 through 5 since the most recent federal  
6 8 decennial census, may be redrawn by the city council in  
6 9 accordance with sections 49.3 and 49.5 once during the period  
6 10 beginning January 1 of the second year following a year in  
6 11 which a federal decennial census is taken and ending June 30  
6 12 of the year immediately following the year in which the next  
6 13 succeeding federal decennial census is taken, if the  
6 14 commissioner recommends that the change will effect a  
6 15 substantial savings in election costs. Changes made under  
6 16 this subsection shall be made not later than ninety-nine days  
6 17 before a city primary or runoff election, unless the changes  
6 18 will not take effect until January 1 of the next odd-numbered  
6 19 year.

6 20 Sec. 7. Section 49.14, subsection 1, Code 2007, is amended  
6 21 to read as follows:  
6 22 1. The commissioner may appoint substitute precinct  
6 23 election officials as alternates for election board members.  
6 24 ~~A majority of the original election board members shall be~~  
6 25 ~~present at the precinct polling place at all times; at~~  
6 26 ~~partisan elections such majority shall include at least one~~  
6 27 ~~precinct election official from each political party. If the~~  
6 28 ~~chairperson leaves the polling place, the chairperson shall~~  
6 29 ~~designate another member of the board to serve as chairperson~~  
6 30 ~~until the chairperson returns. The responsibilities and~~  
6 31 ~~duties of a precinct election official, other than the~~  
6 32 ~~chairperson, present at the time the polling place was opened~~  
6 33 ~~on the day of an election may be assumed at any later time~~  
6 34 ~~that day by a substitute appointed as an alternate. The~~  
6 35 ~~substitute shall serve either for the balance of that election~~  
7 1 ~~day or for any shorter period of time the commissioner may~~  
7 2 ~~designate. At partisan elections, a substitute precinct~~  
7 3 ~~election official assuming the duties of a precinct election~~  
7 4 ~~official shall be a member of the same political party as the~~  
7 5 ~~precinct election official whose duties are being assumed.~~

7 6 Sec. 8. Section 49.57, subsections 2 and 3, Code 2007, are  
7 7 amended to read as follows:  
7 8 2. In the area of the general election ballot for straight  
7 9 party voting, the party or organization names shall be printed  
7 10 in capital upper case and lower case letters of using a  
7 11 uniform font size, in for each political party or nonparty  
7 12 political organization. The font size shall be not less than  
7 13 twelve point type. After the name of each candidate for a  
7 14 partisan office the name of the candidate's political party  
7 15 shall be printed in at least six point type. The names of  
7 16 political parties and nonparty political organizations may be  
7 17 abbreviated on the remainder of the ballot if both the full  
7 18 name and the abbreviation appear in the "Straight Party" and  
7 19 "Other Political Party" areas of the ballot.

7 20 3. The names of candidates shall be printed in capital  
7 21 upper case and lower case letters, of using a uniform font  
7 22 size throughout the ballot, in. The font size shall be not  
7 23 less than ten point type.

7 24 Sec. 9. Section 49.57, Code 2007, is amended by adding the  
7 25 following new subsection:

7 26 NEW SUBSECTION. 3A. In no case shall the font size for  
7 27 public measures, constitutional amendments, and constitutional  
7 28 convention questions, and summaries thereof, be less than ten  
7 29 point type.  
7 30 Sec. 10. Section 49.57, subsection 5, Code 2007, is  
7 31 amended to read as follows:  
7 32 5. A portion of the ballot, which can be shown to the  
7 33 precinct officials without revealing any of the marks made by  
7 34 the voter, shall include the words "Official ballot", ~~a~~  
7 35 ~~designation of the ballot rotation, if any the unique~~  
8 1 ~~identification number or name assigned by the commissioner to~~  
8 2 ~~the ballot style~~, the date of the election, and a facsimile of  
8 3 the signature of the commissioner who has caused the ballot to  
8 4 be printed pursuant to section 49.51.  
8 5 Sec. 11. Section 49.73, subsection 1, paragraph e, Code  
8 6 2007, is amended to read as follows:  
8 7 e. ~~The Any election conducted for the unincorporated area~~  
8 8 ~~of any a county voting on a local option sales and services~~  
8 9 ~~tax pursuant to section 423B.1.~~  
8 10 Sec. 12. Section 49.79, Code 2007, is amended to read as  
8 11 follows:  
8 12 49.79 CHALLENGES.  
8 13 1. Any person offering to vote may be challenged as  
8 14 unqualified by any precinct election official or registered  
8 15 voter. It is the duty of each official to challenge any  
8 16 person offering to vote whom the official knows or suspects is  
8 17 not duly qualified. A ballot shall be received from a voter  
8 18 who is challenged, but only in accordance with section 49.81.  
8 19 2. A person may be challenged for any of the following  
8 20 reasons:  
8 21 a. ~~The challenged person is not a citizen of the United~~  
8 22 ~~States.~~  
8 23 b. ~~The challenged person is less than eighteen years of~~  
8 24 ~~age as of the date of the election at which the person is~~  
8 25 ~~offering to vote.~~  
8 26 c. ~~The challenged person is not a resident at the address~~  
8 27 ~~where the person is registered. However, a person who is~~  
8 28 ~~reporting a change of address at the polls on election day~~  
8 29 ~~pursuant to section 48A.27, subsection 2, paragraph "a",~~  
8 30 ~~subparagraph (3), shall not be challenged for this reason.~~  
8 31 d. ~~The challenged person is not a resident of the precinct~~  
8 32 ~~where the person is offering to vote.~~  
8 33 e. ~~The challenged person has falsified information on the~~  
8 34 ~~person's registration form or on the person's declaration of~~  
8 35 ~~eligibility.~~  
9 1 f. ~~The challenged person has been convicted of a felony,~~  
9 2 ~~and the person's voting rights have not been restored.~~  
9 3 g. ~~The challenged person has been adjudged by a court of~~  
9 4 ~~law to be a person who is incompetent to vote and no~~  
9 5 ~~subsequent proceeding has reversed that finding.~~  
9 6 Sec. 13. Section 50.16, Code 2007, is amended to read as  
9 7 follows:  
9 8 50.16 TALLY LIST OF BOARD.  
9 9 The tally list shall be prepared in writing by the election  
9 10 board giving, in legibly printed numerals, the total number of  
9 11 people who cast ballots in the precinct, the total number of  
9 12 ballots cast for each ~~officer~~ office, except those rejected,  
9 13 the name of each person voted for, and the number of votes  
9 14 given to each person for each different office. The tally  
9 15 list shall be signed by the precinct election officials, and  
9 16 be substantially as follows:  
9 17 At an election at .... in .... township, or in ....  
9 18 precinct of .... city or township, in .... county, state of  
9 19 Iowa, on the ... day of .... ~~A-D-~~ ..., there were ... ballots  
9 20 cast for the office of .... of which  
9 21 (Candidate's name) ..... had .. votes.  
9 22 (Candidate's name) ..... had .. votes.  
9 23 (and in the same manner for any other officer).  
9 24 A true tally list:  
9 25 (Name) ..... Election Board  
9 26 (Name) ..... Members.  
9 27 (Name) .....  
9 28 Attest:  
9 29 (Name) ..... Designated  
9 30 (Name) ..... Tally Keepers.  
9 31 Sec. 14. Section 50.25, subsection 7, Code 2007, is  
9 32 amended by striking the subsection.  
9 33 Sec. 15. Section 50.25, Code 2007, is amended by adding  
9 34 the following new unnumbered paragraph:  
9 35 NEW UNNUMBERED PARAGRAPH. The abstract of the votes for  
10 1 each county office is not required to be made on a different

10 2 sheet.

10 3 Sec. 16. Section 52.25, unnumbered paragraph 2, Code 2007,  
10 4 is amended to read as follows:

10 5 The entire convention question, amendment, or public  
10 6 measure shall be printed and displayed prominently in at least  
10 7 four places within the voting precinct, and inside each voting  
10 8 booth, or on the left-hand side inside the curtain of each  
10 9 voting machine, the printing to be in conformity with the  
10 10 provisions of chapter 49. The question, amendment, or  
10 11 measure, and summaries thereof, shall be printed on the  
10 12 special paper ballots or on the inserts used in the voting  
10 13 machines. In no case shall the font size be less than ten  
10 14 point type. The public measure shall be summarized by the

10 15 commissioner ~~and in the largest type possible printed on the~~  
10 16 ~~special paper ballots or inserts used in the voting machines,~~  
10 17 except that:

10 18 Sec. 17. Section 58.1, Code 2007, is amended to read as  
10 19 follows:

10 20 58.1 NOTICE == GROUNDS.

10 21 The contestant for the office of governor ~~or lieutenant~~  
10 22 ~~governor~~ shall, within thirty days after the proclamation of  
10 23 the result of the election, deliver to the presiding officer  
10 24 of each house of the general assembly a notice of intent to  
10 25 contest, and a specification of the grounds of such contest,  
10 26 as provided in chapter 62.

10 27 Sec. 18. Section 376.11, unnumbered paragraphs 1 and 2,  
10 28 Code 2007, are amended to read as follows:

10 29 Write-in votes are permitted to be cast in all elections  
10 30 for city offices. A person who receives a sufficient number  
10 31 of write-in votes to be elected to a city office shall be  
10 32 declared the winner of the election. If a person who was  
10 33 elected by write-in votes chooses not to serve in that office  
10 34 the person shall submit a resignation in writing to the city  
10 35 clerk not later than five ~~o'clock~~ p.m. on the tenth day  
11 1 following the canvass of the election. If a person who was  
11 2 elected by write-in votes resigns at a later time, the office  
11 3 shall be considered vacant at the end of the term and the  
11 4 council shall fill the vacancy pursuant to the provisions of  
11 5 section 372.13, subsection 2.

11 6 Except in cities where the council has chosen a runoff  
11 7 election in lieu of a primary, following the resignation of a  
11 8 person who was elected by write-in votes, the city clerk shall  
11 9 notify the person who received the next highest number of  
11 10 votes cast for the office that the person may assume the  
11 11 office. If the person accepts the position, the person shall  
11 12 be considered the duly elected officer unless, within ten days  
11 13 after the clerk has given notice, a petition requesting a  
11 14 special election is filed by eligible electors of the city  
11 15 equal in number to twenty-five percent of the number of  
11 16 persons who voted for the office at the election. If the  
11 17 person declines, the person shall do so in writing to the city  
11 18 clerk within ten days and the office shall be considered  
11 19 vacant at the end of the term. The vacancy shall be filled  
11 20 pursuant to the provisions of section 372.13, subsection 2.  
11 21 If the council chooses to appoint, the appointment may be made  
11 22 before the end of the current term.

11 23 Sec. 19. EFFECTIVE AND APPLICABILITY DATES.

11 24 1. The section of this division of this Act amending  
11 25 section 49.8, being deemed of immediate importance, takes  
11 26 effect upon enactment and applies to elections held on or  
11 27 after January 1, 2008.

11 28 2. The remainder of this division of this Act applies to  
11 29 elections held on or after January 1, 2008.

11 30 DIVISION II  
11 31 ABSENTEE VOTING

11 32 Sec. 20. Section 39A.4, subsection 1, paragraph c,  
11 33 subparagraphs (10), (11), and (12), Code 2007, are amended to  
11 34 read as follows:

11 35 (10) As an incumbent officeholder of, or a candidate for,  
12 1 an office being voted for at the election in progress, serving  
12 2 as a member of a challenging committee or observer under  
12 3 section 49.104, subsection 2, 5, or 6, or section 53.23,  
12 4 subsection 4.

12 5 (11) Returning a voted absentee ballot, by mail or in  
12 6 person, to the commissioner's office and the person returning  
12 7 the ballot is not the voter, an immediate family member  
12 8 authorized by the voter to return the ballot, an absentee  
12 9 ballot courier, a special precinct election official  
12 10 designated pursuant to section 53.22, subsection 1, or the  
12 11 designee of a voter described in section 53.22, subsection 5.

12 12 (12) Making a false or untrue statement reporting that a

12 13 voted absentee ballot was returned to the commissioner's  
12 14 office, by mail or in person, by a person other than the  
12 15 voter, an immediate family member authorized by the voter to  
12 16 return the ballot, an absentee ballot courier, a special  
12 17 precinct election official designated pursuant to section  
12 18 53.22, subsection 1, or the designee of a voter described in  
12 19 section 53.22, subsection 5.  
12 20 Sec. 21. Section 39A.5, subsection 1, paragraph b,  
12 21 subparagraph (2), Code 2007, is amended to read as follows:  
12 22 (2) ~~Neglecting or refusing to return an absentee ballot in~~  
12 23 ~~violation of section 53.35, or violating~~ Violating any other  
12 24 provision of chapter 53 for which another penalty is not  
12 25 provided.  
12 26 Sec. 22. Section 49.63, Code 2007, is amended to read as  
12 27 follows:  
12 28 49.63 TIME OF PRINTING == INSPECTION AND CORRECTION.  
12 29 Ballots shall be printed and in the possession of the  
12 30 commissioner in time to enable the commissioner to furnish  
12 31 ballots to absent voters as provided by sections 53.8, 53.10,  
12 32 and 53.11. The printed ballots shall be subject to the  
12 33 inspection of candidates and their agents. If mistakes are  
12 34 discovered, they shall be corrected without delay, in the  
12 35 manner provided in this chapter.  
13 1 Sec. 23. Section 53.2, subsections 1 and 4, Code 2007, are  
13 2 amended to read as follows:  
13 3 1. Any registered voter, under the circumstances specified  
13 4 in section 53.1, may on any day, except election day, and not  
13 5 more than seventy days prior to the date of the election,  
13 6 apply in person for an absentee ballot at the commissioner's  
13 7 office or at any location designated by the commissioner.  
13 8 However, for those elections in which the commissioner directs  
13 9 the polls be opened at noon pursuant to section 49.73, a voter  
13 10 may apply in person for an absentee ballot at the  
13 11 commissioner's office from eight a.m. until eleven a.m. on  
13 12 election day.  
13 13 PARAGRAPH DIVIDED. A registered voter may make written  
13 14 application to the commissioner for an absentee ballot. A  
13 15 written application for an absentee ballot must be received by  
13 16 the commissioner no later than five p.m. on the Friday before  
13 17 the election. A written application for an absentee ballot  
13 18 delivered to the commissioner and received by the commissioner  
13 19 more than seventy days prior to the date of the election shall  
13 20 be retained by the commissioner and processed in the same  
13 21 manner as a written application received not more than seventy  
13 22 days before the date of the election.  
13 23 4. Each application shall contain the name and signature  
13 24 of the registered voter, the registered voter's date of birth,  
13 25 the address at which the voter is registered to vote, and the  
13 26 name or date of the election for which the absentee ballot is  
13 27 requested, and such other information as may be necessary to  
13 28 determine the correct absentee ballot for the registered  
13 29 voter. If insufficient information has been provided, the  
13 30 commissioner shall, by the best means available, obtain the  
13 31 additional necessary information.  
13 32 Sec. 24. Section 53.7, subsection 1, Code 2007, is amended  
13 33 to read as follows:  
13 34 1. It shall be unlawful for any employee of the state or  
13 35 any employee of a political subdivision to solicit any  
14 1 application or request for application for an absentee ballot,  
14 2 or to take an affidavit in connection with any absentee ballot  
14 3 while the employee is on the employer's premises or otherwise  
14 4 in the course of employment. However, any such employee may  
14 5 take such affidavit in connection with an absentee ballot  
14 6 which is cast by the registered voter in person in the office  
14 7 where such employee is employed in accordance with section  
14 8 53.10 or 53.11. This subsection shall not apply to any  
14 9 elected official.  
14 10 Sec. 25. Section 53.8, subsection 2, Code 2007, is amended  
14 11 to read as follows:  
14 12 2. If an application is received so late that it is  
14 13 unlikely that the absentee ballot can be returned in time to  
14 14 be counted on election day, the commissioner shall enclose  
14 15 with the absentee ballot a statement to that effect. The  
14 16 statement shall also point out that it is possible for the  
14 17 applicant, an immediate family member of the applicant, or the  
14 18 applicant's designee if the absentee ballot is voted by a  
14 19 voter described in section 53.22, subsection 5, to personally  
14 20 deliver the completed absentee ballot to the office of the  
14 21 commissioner at any time before the closing of the polls on  
14 22 election day. The statement shall also point out that it is  
14 23 possible for an absentee ballot courier to personally deliver

14 24 the completed absentee ballot to the office of the  
14 25 commissioner within seventy-two hours of retrieving the  
14 26 completed ballot or before the closing of the polls on  
14 27 election day, whichever is earlier.

14 28 Sec. 26. Section 53.8, subsection 3, unnumbered paragraph  
14 29 3, Code 2007, is amended to read as follows:

14 30 Nothing in this subsection nor in section 53.22 shall be  
14 31 construed to prohibit a registered voter who is a hospital  
14 32 patient or resident of a health care facility, or who  
14 33 anticipates entering a hospital or health care facility before  
14 34 the date of a forthcoming election, from casting an absentee  
14 35 ballot in the manner prescribed by section 53.10 or 53.11.

15 1 Sec. 27. Section 53.17, subsection 1, paragraph a, Code  
15 2 2007, is amended to read as follows:

15 3 a. (1) The sealed carrier envelope may be delivered by  
15 4 the registered voter, by an immediate family member of the  
15 5 voter, by the special precinct election officials designated  
15 6 pursuant to section 53.22, subsection 1, or by the voter's  
15 7 designee if the absentee ballot is voted by a voter described  
15 8 in section 53.22, subsection 5, to the commissioner's office  
15 9 no later than the time the polls are closed on election day.

15 10 (2) If the sealed carrier envelope is delivered by an  
15 11 immediate family member of the voter, the immediate family  
15 12 member shall, upon delivery of the envelope to the  
15 13 commissioner, complete a form provided by the commissioner  
15 14 containing the following information:

15 15 (a) The immediate family member's name and address.

15 16 (b) The immediate family member's relationship to the  
15 17 voter.

15 18 (c) The serial number on the sealed carrier envelope.

15 19 (d) An attestation stating that the immediate family  
15 20 member was authorized by the voter to return the sealed  
15 21 carrier envelope.

15 22 (e) The signature of the immediate family member.

15 23 Sec. 28. Section 53.22, subsection 1, paragraph a,  
15 24 unnumbered paragraph 1, Code 2007, is amended to read as  
15 25 follows:

15 26 A registered voter who has applied for an absentee ballot,  
15 27 in a manner other than that prescribed by section 53.10 or  
15 28 53.11, and who is a resident or patient in a health care  
15 29 facility or hospital located in the county to which the  
15 30 application has been submitted shall be delivered the  
15 31 appropriate absentee ballot by two special precinct election  
15 32 officers, one of whom shall be a member of each of the  
15 33 political parties referred to in section 49.13, who shall be  
15 34 appointed by the commissioner from the election board panel  
15 35 for the special precinct established by section 53.20. The  
16 1 special precinct election officers shall be sworn in the  
16 2 manner provided by section 49.75 for election board members,  
16 3 shall receive compensation as provided in section 49.20 and  
16 4 shall perform their duties during the ten calendar days  
16 5 preceding the election and on election day if all ballots  
16 6 requested under section 53.8, subsection 3, have not  
16 7 previously been delivered and returned.

16 8 Sec. 29. Section 53.23, subsection 3, unnumbered paragraph  
16 9 1, Code 2007, is amended to read as follows:

16 10 The commissioner shall set the convening time for the  
16 11 board, allowing a reasonable amount of time to complete  
16 12 counting all absentee ballots by ten p.m. on election day.  
16 13 The commissioner may direct the board to meet on the day  
16 14 before the election solely for the purpose of reviewing the  
16 15 absentee voters' affidavits appearing on the sealed ballot  
16 16 envelopes. If in the commissioner's judgment this procedure  
16 17 is necessary due to the number of absentee ballots received,  
16 18 the members of the board may open the sealed ballot envelopes  
16 19 and remove the secrecy envelope containing the ballot, but  
16 20 under no circumstances shall a secrecy envelope be opened  
16 21 before the board convenes on election day. If the ballot  
16 22 envelopes are opened before election day, two observers, one  
16 23 appointed by each of the two political parties referred to in  
16 24 section 49.13, subsection 2, shall witness the proceedings.  
16 25 The observers shall be appointed by the county chairperson or,  
16 26 if the county chairperson fails to make an appointment, by the  
16 27 state chairperson. However, if either or both political  
16 28 parties fail to appoint an observer, the commissioner may  
16 29 continue with the proceedings.

16 30 Sec. 30. Section 53.31, unnumbered paragraph 1, Code 2007,  
16 31 is amended to read as follows:

16 32 Any person qualified to vote at the election in progress  
16 33 may challenge the qualifications of a person casting an  
16 34 absentee ballot by submitting a written challenge to the

16 35 commissioner no later than five p.m. on the ~~day~~ Friday before  
17 1 the election. It is the duty of the special precinct  
17 2 officials to challenge the absentee ballot of any person whom  
17 3 the official knows or suspects is not duly qualified.  
17 4 Challenges by members of the special precinct election board  
17 5 or observers present pursuant to section 53.23 may be made at  
17 6 any time before the close of the polls on election day. The  
17 7 challenge shall state the reasons for which the challenge is  
17 8 being submitted and shall be signed by the challenger. When a  
17 9 challenge is received the absentee ballot shall be set aside  
17 10 for consideration by the special precinct election board when  
17 11 it meets as required by section 50.22.

17 12 Sec. 31. Section 53.37, Code 2007, is amended to read as  
17 13 follows:

17 14 53.37 DEFINITIONS.

17 15 1. This division is intended to implement the federal  
17 16 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. }  
17 17 1973ff et seq.

17 18 2. The term "armed forces of the United States", as used  
17 19 in this division, shall mean the army, navy, marine corps,  
17 20 coast guard, and air force of the United States.

17 21 3. For the purpose of absentee voting only, there shall be  
17 22 included in the term "armed forces of the United States" the  
17 23 following:

17 24 1- a. Spouses and dependents of members of the armed  
17 25 forces while in active service.

17 26 2- b. Members of the merchant marine of the United States  
17 27 and their spouses and dependents.

17 28 3- c. Civilian employees of the United States in all  
17 29 categories serving outside the territorial limits of the  
17 30 several states of the United States and the District of  
17 31 Columbia and their spouses and dependents when residing with  
17 32 or accompanying them, whether or not the employee is subject  
17 33 to the civil service laws and the Classification Act of 1949,  
17 34 and whether or not paid from funds appropriated by the  
17 35 Congress.

18 1 4- d. Members of religious groups or welfare agencies  
18 2 assisting members of the armed forces, who are officially  
18 3 attached to and serving with the armed forces, and their  
18 4 spouses and dependents.

18 5 5- e. Citizens of the United States who do not fall under  
18 6 any of the categories described in subsections 1 to 4, but who  
18 7 are entitled to register and vote pursuant to section 48A.5,  
18 8 subsection 4.

18 9 4. For the purposes of this division, "qualified voter"  
18 10 means a person who is included within the term "armed forces  
18 11 of the United States" as described in this section, who would  
18 12 be qualified to register to vote under section 48A.5,  
18 13 subsection 2, except for residency, and who is not  
18 14 disqualified from registering to vote and voting under section  
18 15 48A.6.

18 16 Sec. 32. Section 53.38, Code 2007, is amended to read as  
18 17 follows:

18 18 53.38 WHAT CONSTITUTES REGISTRATION.

18 19 Whenever a ballot is requested pursuant to section 53.39 or  
18 20 53.45 on behalf of a voter in the armed forces of the United  
18 21 States, the affidavit upon the ballot envelope of such voter,  
18 22 if the voter is found to be an eligible elector of the county  
18 23 to which the ballot is submitted, shall constitute a  
18 24 sufficient registration under chapter 48A. A completed  
18 25 federal postcard registration and federal absentee ballot  
18 26 request form submitted by such eligible elector shall also  
18 27 constitute a sufficient registration under chapter 48A. The  
18 28 commissioner shall place the voter's name on the registration  
18 29 record as a registered voter if it does not already appear  
18 30 there. The identification requirements of section 48A.8 and  
18 31 the verification requirements of section 48A.25A do not apply  
18 32 to persons who register to vote under this division.

18 33 Sec. 33. Section 53.41, Code 2007, is amended to read as  
18 34 follows:

18 35 53.41 RECORDS BY COMMISSIONER == EXCESS REQUESTS OR  
19 1 BALLOTS.

19 2 1. The commissioner of each county shall establish and  
19 3 maintain a record of all requests for ballots which are made,  
19 4 and of all ballots transmitted, and the manner of transmittal,  
19 5 from and received in the commissioner's office under the  
19 6 provisions of this division.

19 7 2. If more than one request for absent voter's ballot for  
19 8 a particular election is made to the commissioner before the  
19 9 ballots are ready to mail by or on behalf of a voter in the  
19 10 armed forces of the United States, the last request ~~first~~

19 11 received shall be honored, except that if one of the requests  
19 12 is made by the voter, ~~and a request on the voter's behalf has~~  
~~19 13 not been previously honored,~~ the request of the voter shall be  
19 14 honored in preference to a request made on the voter's behalf  
19 15 by another.

19 16 3. Not more than one ballot shall be transmitted by the  
19 17 commissioner to any voter for a particular election unless  
~~19 18 after the ballot has been mailed the voter reports a change in~~  
~~19 19 the address to which the ballot should be sent. A ballot~~  
~~19 20 shall be mailed using a serial number that indicates that this~~  
~~19 21 is a replacement sent to an updated address. The original~~  
~~19 22 ballot shall be counted only if the replacement ballot does~~  
~~19 23 not arrive.~~ If the commissioner receives more than one absent  
19 24 voter's ballot, provided for by this division, from or  
19 25 purporting to be from any one voter for a particular election,  
19 26 all of the ballots so received from or purporting to be from  
19 27 such voter are void, and the commissioner shall not deliver  
19 28 any of the ballots to the precinct election officials, but  
19 29 shall retain them in the commissioner's office, and preserve  
19 30 them for the period and under the conditions provided for in  
19 31 sections 50.12 through 50.15 and section 50.19.

19 32 Sec. 34. Section 53.49, Code 2007, is amended to read as  
19 33 follows:

19 34 53.49 APPLICABLE TO ARMED FORCES AND OTHER CITIZENS.  
19 35 The provisions of this division as to absent voting shall  
20 1 apply only to absent voters in the armed forces of the United  
20 2 States as defined for the purpose of absentee voting in  
20 3 section 53.37. The provisions of sections 53.1 through ~~53.35~~  
20 4 ~~53.34~~ shall apply to all other voters not members of the armed  
20 5 forces of the United States.

20 6 Sec. 35. Section 53.53, subsection 4, paragraph a, Code  
20 7 2007, is amended to read as follows:

20 8 a. The ballot was submitted from within the United States,  
~~20 9 unless the voter is a member of the armed forces of the United~~  
~~20 10 States as described in section 53.37, subsection 2, on active~~  
~~20 11 duty, and away from the voter's county of residence for~~  
~~20 12 purposes of serving on active duty.~~

20 13 Sec. 36. Section 53.53, subsection 4, paragraph b, Code  
20 14 2007, is amended to read as follows:

20 15 b. The voter's application for a regular absentee ballot  
20 16 was received by the commissioner less than ~~thirty~~ fourteen  
20 17 days prior to the election.

20 18 Sec. 37. Section 53.35, Code 2007, is repealed.

20 19 Sec. 38. APPLICABILITY DATE. This division of this Act  
20 20 applies to elections held on or after January 1, 2008.

20 21 DIVISION III  
20 22 VOTER REGISTRATION

20 23 Sec. 39. Section 48A.2, Code 2007, is amended by adding  
20 24 the following new subsection:

20 25 NEW SUBSECTION. 6. "Voter registration list" means a  
20 26 compilation of voter registration records produced, upon  
20 27 request, from the electronic voter registration file or by  
20 28 viewing, upon request, the original, completed voter  
20 29 registration applications and forms.

20 30 Sec. 40. Section 48A.5, subsection 2, paragraph c, Code  
20 31 2007, is amended to read as follows:

20 32 c. Be at least eighteen years of age. Completed  
20 33 registration forms shall be accepted from registrants who are  
20 34 at least seventeen and a half years of age; however, the  
20 35 registration shall not be effective until the registrant  
21 1 reaches the age of eighteen. The commissioner of registration  
~~21 2 shall ensure that the birth date shown on the registration~~  
~~21 3 form is at least seventeen and one-half years earlier than the~~  
~~21 4 date the registration is processed.~~

21 5 Sec. 41. Section 48A.11, subsection 8, Code 2007, is  
21 6 amended to read as follows:

21 7 8. A voter registration application lacking the  
21 8 registrant's name, sex, date of birth, ~~or~~ residence address or  
21 9 description, or signature shall not be processed. A voter  
21 10 registration application lacking the registrant's Iowa  
21 11 driver's license number, Iowa nonoperator's identification  
21 12 card number, or the last four digits of the registrant's  
21 13 social security number shall not be processed. A registrant  
21 14 whose registration is not processed pursuant to this  
21 15 subsection shall be notified pursuant to section 48A.26,  
21 16 subsection 3. A registrant who does not have an Iowa driver's  
21 17 license number, an Iowa nonoperator's identification number,  
21 18 or a social security number and who notifies the registrar of  
21 19 such shall be assigned a unique identifying number that shall  
21 20 serve to identify the registrant for voter registration  
21 21 purposes.

21 22 Sec. 42. Section 48A.25A, unnumbered paragraph 3, Code  
21 23 2007, is amended to read as follows:  
21 24 This section does not apply to persons described in section  
21 25 53.37 who are entitled to register to vote and to vote  
21 26 pursuant to section 48A.5, subsection 4.  
21 27 Sec. 43. APPLICABILITY DATE. This division of this Act  
21 28 applies to elections held on or after January 1, 2008.  
21 29  
21 30  
21 31

\_\_\_\_\_  
21 32 PATRICK J. MURPHY  
21 33 Speaker of the House  
21 34  
21 35

\_\_\_\_\_  
22 1 JOHN P. KIBBIE  
22 2 President of the Senate  
22 3  
22 4

22 5 I hereby certify that this bill originated in the House and  
22 6 is known as House File 848, Eighty-second General Assembly.  
22 7  
22 8  
22 9

\_\_\_\_\_  
22 10 MARK BRANDSGARD  
22 11 Chief Clerk of the House  
22 12 Approved \_\_\_\_\_, 2007  
22 13  
22 14  
22 15

\_\_\_\_\_  
22 16 CHESTER J. CULVER  
22 17 Governor